

REMARKS

By this Amendment, claims 1 and 2 are amended, and claims 13-14 are canceled. Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-6 and 13-14 are rejected under 35 USC §102(b) as being anticipated by Kurtz et al. ("Kurtz") (US 5,286,671). These rejections are respectfully traversed.

The courtesies extended to Applicants' representative by Examiner Diaz in conducting a telephone interview on September 19, 2007, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

As discussed during the telephone interview, the claims are amended to clarify that a substrate with a microstructure formed therein comprises an upper layer removably adhered to a lower substrate. Applicants respectfully submit, however, that the claims are not narrowed by such an amendment since such amendment only makes explicit that which was implicitly recited in the original claims. Specifically, claim 1 recites, *inter alia*, "a lower substrate supporting an upper substrate...a buffer layer formed on an upper surface of the lower substrate ...wherein an adhesive layer formed between the upper substrate and the buffer layer so that the upper substrate is removably adhered to the lower substrate by the adhesive layer and the buffer layer." (Emphasis added).

A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently. Applicants respectfully submit that Kurtz does not disclose, teach or suggest a removable upper substrate, as recited in claim 1.

Kurtz appears to only disclose fusion bonding first and second semiconductor wafers at high temperature 9 (*see* abstract). Indeed, Kurtz, at column 5, lines 28-32, discloses that using the inventive method, "a reliable, full strength seal may be obtained by bonding the wafers at a temperature at or below 1000°." Applicants therefore submit that Kurtz only discloses an upper layer that is permanently attached to a lower layer, and nowhere discloses an upper substrate removably adhered to the lower substrate, as recited in claim 1.

Accordingly, because Kurtz does not disclose, teach or suggest each and every limitation recited in claim 1, the rejection of claim 1 under 35 U.S.C. §102(b) is improper.

Applicants respectfully submit, therefore, that independent claim 1 is patentable over Kurtz.

Claims 2-6 depend from independent claim 1 and are likewise patentable over Kurtz at least for their dependence on an allowable base claim, as well as for additional features they recite. Withdrawal of the rejection over Kurtz is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: place the application in condition for allowance (for the reasons discussed herein) and do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution). The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
LOWE HAUPTMAN HAM & BERNER, LLP

/Yoon S Ham/
Yoon S. Ham
Registration No. 45,307

Customer Number: 22429
1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
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